

# MEMORANDUM

## *Department of Planning and Neighborhood Services*

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**To:** Planning Commission  
**From:** Bradley Misner, AICP-Director of Planning and Neighborhood Services  
**Subject:** **Planning Commission discussion and review of amended by-laws, with potential recommendation to City Council for final approval—05/24/17 Meeting**  
**Date:** May 19, 2017

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### **Purpose**

A presentation will be held during the May 24, 2017 Planning Commission meeting to provide a review of the Planning Commission's amended by-laws.

### **Recommendation**

Staff recommends the Planning Commission consider the proposed amendments to the Planning Commission by-laws and recommend to City Council an updated version for approval.

Below is the summary list of proposed changes:

1. **Amendments tracker.** We've added an introductory paragraph that tracks the Bylaws adoption and amendment dates, as well as the resolutions by which those actions were taken, in order to make it easier to trace the history of the document.
2. **Delete unnecessary provisions.** Milpitas Municipal Code Section I-500-1.08 authorizes the Planning Commission to adopt written rules and regulations, which are then approved by the City Council. The scope of these rules and regulations is limited to items within the Commission's authority. Since the Planning Commission is bound by the laws of the state of California (such as the Brown Act and the Public Records Act), as well as the laws of the City of Milpitas (such as the terms of the Municipal Code), there is no reason for the PC to include those laws in their bylaws. We have thus removed all of the laws that the Commission does not have any option of choosing not to comply with. This also avoids unnecessary duplication of existing laws and ensures that we don't have any conflicts between the bylaws and any other source of law.
3. **Delete outdated subcommittee language and make more general.** The previous version of the bylaws had extensive language pertaining to a Minor Site, Architectural, and Landscaping Modifications Subcommittee. That subcommittee no longer exists. It made sense to remove all references to that particular subcommittee and use this section to talk more generally about what rules govern any subcommittee the Commission may establish.
4. **Timing.** Currently, some tasks have to be made at particular meetings, per the terms of the bylaws. We have made some changes that will allow for such tasks to take place on a more flexible schedule. For example, the selection of a Chair and Vice-Chair is currently required to take place at the first regular Commission meeting in July. This is problematic if, for some reason, both July meetings happen to be canceled or there is only a special meeting called that

month. We thus recommend the provision be changed to allow for the selection of these officers at the first regular meeting in July or as soon thereafter as may be possible (see new Section 2.02).

5. **Attendance and punctuality.** The bylaws currently require that, after 3 absences during a calendar year, a Planning Commissioner shall be reported to the City Clerk, who shall schedule a review of that Commissioner's attendance with the City Council. This process does not allow for exceptions for, among other things, excused absences or illnesses, and dictates the City Council's review. We have suggested changes to allow more discretion to be exercised (see new Section 3.04).
6. **Voting.** We have removed provisions that the PC does not have authority to alter.
7. **Miscellaneous.** We have made a number of miscellaneous revisions to clean up existing language.